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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,461	03/29/2001	Raymond Leslie Hicks	AUS92001-0223US1	5647

7590 01/29/2004

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EXAMINER
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LOHN, JOSHUA A

ART UNIT	PAPER NUMBER
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2114

DATE MAILED: 01/29/2004

2

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/820,461	HICKS ET AL.
	Examiner	Art Unit
	Joshua A Lohn	2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 29 March 2001.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-37 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1,4,6-9,12,14-17,20,22,23 and 37 is/are rejected.

7)  Claim(s) 2,3,5,10,11,13,18,19,21 and 24-36 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 29 March 2001 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a)  The translation of the foreign language provisional application has been received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ . 6)  Other: \_\_\_\_ .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

Claim 37 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 37 recites the limitation "the interface" in line 1. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 6-9, 12, 14-17, 20, 22, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Culley et al., United States Patent no. 6,000,040, published December 7, 1999.

As per claim 1, Culley discloses a method for managing an uncorrectable data error as it passes through a plurality of devices in a central electronic complex. Culley discloses this through the detection of an uncorrectable error condition by the SMR (system management remote) ASIC, which is a part of the diagnostic system and part of the central electronic complex, see column 3, line 61 through column 4, line 6. Culley further discloses providing an attention signal from the SMR to a diagnostic system, in the form of a system management central (SMC) ASIC, see column 5, lines 44-45. Culley also discloses then analyzing this attention signal by the SMC to produce a record relating the fault condition to the responsible

port, as is shown in the reading of the error registers to determine the module responsible for the error, see column 5, lines 50-59, and in the storage of this fault and module information in the NVRAM for later use, see column 5, lines 60-63.

As per claim 4, Culley discloses that the diagnostic system comprises a processor runtime diagnostic (PRD) code, as is shown by the SMCs and SMRs operating independently and concurrently with the execution of the system microprocessor, see column 3, lines 4-33.

As per claim 6, Culley discloses that the PRD code is within a service processor, as is shown by diagnostic programs which are included in the SMP (system management processor), which acts as a system service processor, see column 5, lines 31-40.

As per claim 7, Culley discloses that the PRD code accesses each of a plurality of devices through an interface within the service processor, with the interface taking the form of dedicated test busses between the SMC and SMRs, see column 3, lines 24-26.

As per claim 8, Culley discloses the interface being a JTAG interface, see column 3, line 26.

As per claims 9, 12, and 14-16, these claims describe the same methods as claims 1, 4, and 6-8, only implemented in computer software. Culley discloses the uncorrectable data error detection and handling occurring in software, see column 5, lines 35-39, where the system monitoring is taught to be utilizing various test programs.

As per claim 17, Culley discloses a service processor for managing an uncorrectable data error as it passes through a plurality of devices in a central electronic complex. This is shown in the system management processor that is responsible for executing diagnostic programs and includes the SMR and SMC ASICs as part of the processing system. Culley discloses this

through the detection of an uncorrectable error condition by the SMR (system management remote) ASIC, which is a part of the diagnostic system and part of the central electronic complex, see column 3, line 61 through column 4, line 6. Culley further discloses providing an attention signal from the SMR to a diagnostic system, in the form of a system management central (SMC) ASIC, see column 5, lines 44-45. Culley also discloses then analyzing this attention signal by the SMC to produce a record relating the fault condition to the responsible port, as is shown in the reading of the error registers to determine the module responsible for the error, see column 5, lines 50-59, and in the storage of this fault and module information in the NVRAM for later use, see column 5, lines 60-63.

As per claim 20, Culley discloses that the diagnostic system comprises a processor runtime diagnostic (PRD) code, as is shown by the SMCs and SMRs operating independently and concurrently with the execution of the system microprocessor, see column 3, lines 4-33.

As per claim 22, Culley discloses that the PRD code accesses each of a plurality of devices through an interface within the service processor, with the interface taking the form of dedicated test busses between the SMC and SMRs, see column 3, lines 24-26.

As per claim 23, Culley discloses the interface being a JTAG interface, see column 3, line 26.

#### ***Claim Objections***

Claims 2, 3, 5, 10, 11, 13, 18, 19, 21, and 24-37 are objected to because of the following informalities: Failing to provide a definition for the “CS” acronym upon initial use in the claims. Correction is requested to clarify the claim language.

***Allowable Subject Matter***

Claims 2, 3, 5, 10, 11, 13, 18, 19, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, as well as written to overcome the minor informalities mentioned previously.

Claim 24-36 include allowable subject matter and would be allowable if the minor objections mentioned above are resolved.

The following is a statement of reasons for the indication of allowable subject matter: Claims 24-36 are allowable based upon the limitation, when taken in the context of the claim as a whole, of detecting a UE-RE condition in a first device, detecting a SUE-CS condition in at least one other device, and processing the two conditions at substantially the same time.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is provided on form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua A Lohn whose telephone number is (703) 305-3188. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoleil can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
SCOTT BADERMAN  
PRIMARY EXAMINER